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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,	)	No. CR-05-00677-MHP
	)	
12 Plaintiff,	)	<b>STIPULATION RE: DATES;</b>
	)	<b>STIPULATION TO CONTINUE</b>
13 vs.	)	<b>MOTION TO DISMISS HEARING;</b>
	)	<b><del>PROPOSED</del> ORDER</b>
14 CARLOS ZUNIGA-VASQUEZ,	)	
	)	Date: June 19, 2006
15 Defendant.	)	Time: 11:00 AM
	)	Court: The Honorable Marilyn Hall Patel

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17 INTRODUCTION

18 Defense counsel, Elizabeth M. Falk, counsel for Mr. Carlos Zuniga-Vasquez, and Nahla  
19 Rajan, new counsel for the government, hereby move this Court to continue the hearing  
20 regarding Mr. Zuniga Vasquez' Motion to Dismiss. This is due to the fact that defense counsel  
21 will be out of town on June 19, 2006 for trial-related investigation that cannot be changed, as  
22 well as the fact that the case has been reassigned to new government counsel, Nahla Rajan, who  
23 has previously-scheduled motions and hearing that will interfere with her ability to response to  
24 defendant's motion if the current schedule is maintained. This request is also made due to the  
25 fact that the defendant is currently waiting on an expert declaration that will be necessary to the  
26 filing of the instant motion. Counsel's efforts to obtain said declaration have been thwarted by a

family emergency, which required her to spend large amounts of time outside of the office.

The parties also hereby stipulate and agree that they will continue to make efforts to resolve this case in a manner that will not require this Court's adjudication of the pending motion.

Pursuant to this Court's order, the parties jointly propose the following schedule for the Court's consideration;

<b>Defendant's Motion:</b>	June 2, 2006
<b>Response:</b>	June 19, 2006
<b>Reply:</b>	June 26, 2006
<b>Motion Hearing</b>	July 24, 2006, at 11:00 a.m.

For these reasons, the parties agree and the Court (1) finds that the ends of justice served by excluding the period from May 22, 2006 to June 2, 2006, outweigh the interest of the public and the defendant in a speedy trial and (2) orders that the motions hearing be rescheduled for July 10, 2006 and (3) orders that the period from May 22, 2006 to June 2, 2006, is excluded from Speedy Trial Act calculations under 18 U.S.C. §3161(h)(3)(A).

### CONCLUSION

For the foregoing reason, the parties respectfully request the Court to grant defendant's motion for a continuance, and to set future dates in this matter as requested above.

Dated: 5/23/2006

/S/\_\_\_\_\_  
ELIZABETH M. FALK  
Assistant Federal Public Defender

Dated: 5/23/2006

/S/\_\_\_\_\_  
NAHLA RAJAN  
Assistant United States Attorney

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this e-filed document.

### PROPOSED ORDER

For good cause shown, the motion hearing date in the aforementioned matter shall be continued until **July 24, 2006, at 11:00 a.m.** All other dates in this matter shall be as established in Counsel’s Stipulation, filed herewith. The Court further orders that the time between May 22, 2006 and June 2, 2006 shall be excluded under the Speedy Trial Act to accommodate the effective preparation of the motion, which has been thwarted due to the unavailability of defense counsel, and that the ends of justice outweigh the defendant’s and the public’s interest in a speedy trial and justify the requested exclusion.

IT IS SO ORDERED

Dated: May 24, 2006

